

PATENT

BALDS2.029AUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Basil Naji et al.)	Group Art Unit 1775
)	
Appl. No.	:	10/090,406)	
)	
Filed	:	March 4, 2002)	
)	
For	:	COMPOSITE PRODUCT)	
)	
Examiner	:	Stephen J. Stein)	
)	
)	
)	

TERMINAL DISCLAIMER TO OBVIATE A NONSTATUTORY
DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, James Hardie Research Pty Limited ("Assignee").

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner of one hundred percent (100%) interest by virtue of assignment recorded at Reel No. 012975, Frame No. 0133 by the Assignment Branch of the Patent and Trademark Office of the above-referenced application which contains related subject matter to commonly owned U.S. Patent Application Serial No. 10/090,375, by virtue of an assignment recorded at Reel No. 012957, Frame No. 0285 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the

09/15/2003 KWA
01 FC:1814 110.00 DA

Appl. No. : 10/090,406
Filed : March 4, 2002

full statutory term of any patent issuing from U.S. Patent Application Serial No. 10/090,375 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Patent Application Serial No. 10/090,375. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application Serial No. 10/090,375, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

Appl. No. : 10/090,406
Filed : March 4, 2002

such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/6/2003

By: 

Linda H. Liu
Registration No. 51,240
Attorney of Record
2040 Main Street
14th Floor
Irvine, CA 92614
(909) 781-9231

R:\DOCS\LHL\LHL-4941.DOC:kmb
030603